IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No 8790 of 2007

Shri Shantaram Jabaji Nagare ..Petitioner

vs.

Shri Pundalik Laxman Gadikar
and others ..Respondents

Shri G.R.Agrawal i/b Shri R.M.Agtrawal and Associates for petitioner.

CORAM: S.C.DHARMADHIARI J.
11th December, 2007

P.C.

1. Merely because the petitioner has been impleaded as party respondent/opponent to restoration application by the original applicant does not mean that his rights and contentions are prejudiced or affected for all times to come. After restoration, if the original application proceeds on the basis that the petitioner is a party thereto, it would be open for the petitioner to make such application as is permissible in law for his deletion from the proceedings and such application must be dealt with uninfluenced by any observations in the restoration order but on merits and inaccordance with law. All contentions in that behalf of both sides are expressly kept open. With this clarification, the petition is dismsised.

(S.C.DHARMADHIKARI J.)